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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/795,898	03/08/2004	Dominique Nicolas Cade	25692a	1533

29668 7590 02/23/2007
Johnson & Johnson
201 TABOR ROAD
MORRIS PLAINS, NJ 07950

EXAMINER

LEE, EDMUND H

ART UNIT	PAPER NUMBER
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1732

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/795,898

Applicant(s)

CADE ET AL.

Examiner

EDMUND H. LEE

Art Unit

1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 9-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/8/04</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 9,13,14,15,and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Gaster (US 2001/0019055). Gaster teaches the claimed process as evidenced at paragraphs 0017-0018 and figs 5-6.

3. Claims 9 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Bodenmann et al (USPN 4196565). Bodenmann et al teach the claimed process as evidenced at col 2, lns 41-51 and figs 1-5. It should be noted that a sealing clamp is inherent with the holding operation of Bodenmann et al.

4. Claims 9,10,13, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Lebrun et al (USPN 4940499). Lebrun et al teach the claimed process as evidenced at abstract; col 3, ln 34-col 4, ln 5; col 5, lns 1-5; col 8, lns 26-52; and figs 1-13.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 10-12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaster (US 2001/0019055). The above teachings of Gaster are incorporated hereinafter. In regard to claims 10-12, it is well-known in the molding to clean a molded product after molding and a molding apparatus before the next molding cycle. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to clean the excess sealing fluid from the claimed locations in order to produce a high quality product and to ensure a proper molding operation. In regard to claim 16, sealing clamps having airing and suction ports are well-known in the molding art as effective means for positioning and releasing a preform. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include airing and suction ports in the apparatus of Gaster in order to enhance the positioning and releasing of the preform within the apparatus of Gaster.

7. Claims 11-12 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lebrun et al (USPN 4940499). The above teachings of Lebrun et al are incorporated hereinafter. In regard to claims 11-12, it is well-known in the molding to clean a molded product after molding and a molding apparatus before the next molding cycle. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to clean the excess sealing fluid from the claimed locations in order to produce a high quality product and to ensure a proper molding operation. In regard to liquid recovery grooves, such are well-known in the molding art in order to reduce manufacturing costs. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include liquid recovery grooves in the

Art Unit: 1732

apparatus of Lebrun et al in order to reduce manufacturing costs. In regard to claim 16, sealing clamps having airing and suction ports are well-known in the molding art as effective means for positioning and releasing a preform. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include airing and suction ports in the apparatus of Lebrun et al in order to enhance the positioning and releasing of the preform within the apparatus of Lebrun et al.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following US patents show the state of the art: 4628850, 4235832, 3847694, and 4261947.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDMUND H. LEE whose telephone number is 571.272.1204. The examiner can normally be reached on MONDAY-THURSDAY FROM 9AM-4PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on 571.272.1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1732

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EDMUND H. LEE
Primary Examiner
Art Unit 1732

EHL


2/7/04